

**CITY COUNCIL
AGENDA REPORT**

**SUBJECT: INFORMATIONAL ITEM- MEMORANDUM REGARDING CONFLICTS
OF INTEREST, PERSONAL FINANCIAL GAIN AND FAIR PROCESS**

AGENDA DATE: August 4, 2009

PREPARED BY: Jennifer Lyon, City Attorney (Requested by Councilman Romero)



RECOMMENDATION: Acknowledge receipt.

BACKGROUND INFORMATION: The conflict of interest memorandum is typically given as part of the biannual "AB 1234" ethics training and is being provided now at Councilman Romero's request.

DISCUSSION: The memorandum is designed to do the following: 1) alert officials to the kinds of interests and activities that trigger disclosure or disqualification under ethics laws; 2) advise officials to avoid prohibited activities, comply with disclosure requirements and to consult with qualified legal counsel or regulatory authorities regarding specific situations; 3) emphasize that ethics laws create minimum standards for ethical conduct, but the public's expectations often create a higher standard; 4) advise officials of the legal consequences of violating ethics laws; and 5) provide examples of conduct scenarios that are covered by the laws in question.

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CONFLICTS OF INTEREST, PERSONAL FINANCIAL GAIN AND FAIR PROCESS

August 2009

INTRODUCTION

This purpose of this memorandum is to assist the Council in spotting situations that may involve ethics laws. It should not be exclusively relied upon to determine if a legal ethics violation may occur since factual considerations and subsequent changes to state law may change the analysis. Nor should this memorandum be used as a substitute for consultation with the FPCC, private legal counsel, or the City Attorney when applicable. This memorandum covers the following topics related to conflicts of interest and personal financial gain:

1. Conflicts of Interest Under the Political Reform Act
2. Contractual Conflicts of Interest – Government Code § 1090
3. Common Law Conflict of Interest
4. Conflicts of Interest Related to Campaign Contributions
5. Conflicts of Interest Related to Leaving Office
6. Gifts
7. Honoraria (Payments for Speeches, Articles and Attendance at Events)
8. Misuse of Public Funds
9. Gifts of Public Funds
10. Mass Mailing Restrictions
11. Prohibition on Free and Discounted Transportation
12. Disclosure of Economic interests
13. Due Process Right to Unbiased Decision Makers
14. Incompatible Offices
15. Disqualification from Decisions Involving Family Members

The objectives of this memorandum are:

- To alert officials to the kinds of interests and activities that trigger disclosure or disqualification under ethics laws.
- To advise officials to avoid prohibited activities, comply with disclosure requirements and to consult with qualified legal counsel or regulatory authorities regarding specific situations.
- To emphasize that ethics laws create minimum standards for ethical conduct, but the public's expectations often create a higher standard.
- To advise officials of the legal consequences of violating ethics laws.
- To provide examples of conduct scenarios that are covered by the laws in question.

1. Conflicts of Interest under the Political Reform Act

The Political Reform Act of 1974 was enacted to ensure that public officials perform their duties in an impartial manner, free from bias caused by their own financial interests. The Act requires officials to disclose their assets and income that may be affected by their official decisions and to disqualify themselves from acting when necessary to avoid conflicts of interest.

Disqualification under the Political Reform Act is based upon the potential effects of a decision, both direct and indirect, on a public official's financial interests. When an official is disqualified due to a financial conflict of interest, that disqualification includes not only making a decision, but also participating in making a decision, and using official position to influence the making of a decision.

The Fair Political Practices Commission, which enforces the Political Reform Act, has adopted an eight-step process for analyzing potential disqualification due to financial conflicts of interest:

Step One: Are you a public official?

Step Two: Are you making, participating in making, or influencing a governmental decision? This includes communicating with, giving advice to or making a recommendation to a decision maker.

Step Three: What are your economic interests? The pertinent economic interests are: Business Investments, Business Employment or Management, Real Property, Sources of Income, Gifts, and Personal Financial Effects.

Step Four: Are your economic interests directly or indirectly involved in the governmental decision?

Step Five: What kinds of financial impacts on your economic interests are important enough to trigger a conflict of interest (materiality)? The "importance" or "materiality" standards differ, depending on the economic interest that is involved.

Step Six: Is it substantially likely that the decision will result in one or more important/material effects on one or more of your economic interests?

Step Seven: If you have a conflict of interest, does the "public generally" exception apply? This exception applies when a significant part of the community that you represent will have the same economic impacts from the decision that you have.

Step Eight: If you have a disqualifying conflict of interest, is your participation legally required? In some narrow circumstances, an official may participate in a decision despite a conflict of interest if the agency would be unable to take an essential action without the official's participation.

The most important three facts for officials to understand regarding disqualification under the Political Reform Act are:

- The law applies only to financial conflicts of interest, not to personal bias regarding a subject or a person.
- Whether you have a conflict of interest is a case by case determination, depending on the particular facts of the situation.
- The most important step for officials to take is to be aware of their economic interests, and identify the potential conflict of interest in advance of participating in a decision.

To receive advice about possible conflicts of interest, you may contact your city attorney, a private attorney of your choice, or the FPPC, which gives both informal telephone advice (1-866-ASK-FPPC), and formal written advice. More information about seeking advice from the FPPC is available on that agency's website at www.fppc.ca.gov.

2. Contractual Conflicts of Interest – Government Code § 1090

Government Code section 1090 ("Section 1090") prohibits a public official from being financially interested in a contract if the official "participated in making the contract" in his or her official capacity. Section 1090 applies to most public officials, including board members, officers, employees, and consultants of public agencies. What is considered "participation in making a contract" is interpreted very broadly for purposes of Section 1090. Whether or not an official personally participated in the execution of a contract, Section 1090 will apply if the official

had the opportunity to, and did, influence the execution of the contract by others.¹ "Participation" includes preliminary discussions, negotiations, compromises, reasoning, planning, and drawing of plans and specifications and solicitation for bids.²

A "financial" interest in a contract for purposes of Section 1090 includes both direct and indirect interests in a contract, and includes, but is not limited to, the following types of economic relationships: employee of a contracting party; attorney, agent or broker of a contracting party; supplier of goods or services to a contracting party; landlord or tenant of a contracting party; and spouse of party with a direct or indirect financial interest in a contract.

There are a number of statutory exceptions to Section 1090 that apply in particular situations, and a limited "rule of necessity" that allows officials who have an interest in a contract to participate in the contract, when they are the only ones who may legally act (for instance, a city council can approve their own salary increase, because they are the only officials who have the legal authority to do so).

Section 1090 differs from disqualification under the Political Reform Act in several important respects:

- Section 1090 only applies to contracts, not to other types of financial interests.
- In the case of a multimember board or council, if one of the members has a Section 1090 conflict of interest, the entire board is disqualified from acting on the contract, and the conflict of interest generally cannot be cured by the recusal of the interested member.
- The penalties for a Section 1090 violation are more severe than for a Political Reform Act violation, and a 1090 violation results in automatic voiding of the contract in question.

3. Common Law Conflict of Interest

The common law doctrine against conflicts of interest is the judicial expression of public policy against public officials using their official positions for private benefit.³ Violation of the common law duty to avoid conflicts of interest can constitute official misconduct and result in a loss of office.⁴ The Common Law Doctrine survived the enactment of the Political Reform Act in 1974.⁵ In *Clark v. City of Hermosa Beach* an appellate court held that a city council member had a

¹ (*People v. Sobel* (1974) 40 Cal. App. 3d 1046.)

² (*Millbrae Assn. for Residential Survival v. City of Millbrae* (1968) 262 Cal. App. 2d 222.)

³ (*Terry v. Bender* (1956) 143 Cal. App. 2d 198.)

⁴ (Govt. Code, § 3060 *et seq.*)

⁵ (*Clark v. City of Hermosa Beach* (1996) 48 Cal. App. 4th 1152, 1171.)

common law conflict of interest in voting with a majority of the council to deny building permits because the proposed structure would interfere with ocean views of other properties in the area including his. The court found that the council member stood to benefit personally by voting against the project even though the council member did not own his residence. The court also found that his interest in preserving his ocean view could have influenced his judgment because the structure would have had a direct impact on the quality of his own residence.⁶

4. Conflicts of Interest Related to Campaign Contributions

Whether or not an official has potential conflict of interest issues related to campaign contributions depends on the specific office held by that official. *Local officials who are elected by the voters, such as city council members, are exempt from the state law governing conflicts of interest and campaign contributions.* However, appointed members of local boards and commissions, such as planning commissioners, must consider campaign contributions as a potential basis for disqualification.

Government Code section 84308 disqualifies any "officer" of a public agency (excluding any local official elected by the voters) who is running for or has run for elective office from participating in certain "proceedings" affecting the officer's campaign contributors. This disqualification applies to a contributor of \$250 or more in the 12 months previous to the decision. The disqualification can be avoided by returning the contribution.

Another limit on Section 84308 is that it only applies to specific types of decisions. The prohibition applies only to agency "proceedings", which is defined to include actions to grant, deny, revoke, restrict or modify "licenses, permits or other entitlements for use", which includes business, profession, trade and land use licenses and permits.

Section 84308 also prohibits soliciting or accepting campaign contributions of more than \$250 from a party involved in a proceeding involving a license, permit, or other entitlement for use pending before the agency and for three months following the date a final decision is rendered in the proceeding if the officer knows or has reason to know that the participant has a financial interest.

5. Conflicts of Interest Related to Leaving Office

Laws related to leaving office are sometimes called "revolving door" laws. Most of the state "revolving door" laws only apply to state officials. The Political

⁶ (Clark v. City of Hermosa Beach (1996) 48 Cal.App.4th 1152, 1172-1173.)

Reform Act contains one "revolving door" law that applies to local officials, which involves influencing future employment.⁷

This law applies during the time period in which a state or local official is negotiating a future employment opportunity, or has reached a future employment arrangement while still in office. During that time, the official is disqualified from making, participating in making, or influencing decisions regarding the future employer. The law applies to all officers, employees and consultants of local agencies. This disqualification is different from disqualification under the Political Reform Act, discussed in Section 2 above, because it expands disqualification to a situation where the official *does not yet have a financial interest*.⁸

Submitting an application or resume alone does not trigger this law. However, an interview, a discussion of an offer of employment, or acceptance of an offer of employment will trigger the potential disqualification. If the disqualification applies, the official cannot participate in decisions that "directly relate" to the future employer, including proceedings in which the future employer is an applicant, a named party in a proceeding, the subject of a proceeding, or will be financially affected by the decision, as defined in the general conflict of interest regulations.⁹

This disqualification rule does not apply if the future employer is a government agency, if the official is "legally required" to make the decision, or if the decision is one that will affect a significant segment of the public in the same manner as it will affect the future employer.¹⁰

6. Gifts

A "gift" is a payment or other benefit provided to an official that confers a personal benefit on the official, and for which the official has not provided goods or services of equal or greater value. A gift includes a discount or rebate, unless it is offered generally to members of the public. A gift also includes payments for meals and food.¹¹ The Political Reform Act regulates gifts in two ways. First, the Act places limits on the gifts that can be received by officials from a single source in a calendar year ("gift limit"). Second, the Act requires that gifts totaling \$50 or more a year from a single source generally must be reported.

The "gift limit" is adjusted every odd-numbered year by the Fair Political Practices Commission to reflect changes in the Consumer Price Index. The current

⁷ (Govt. Code § 87407; 2 Cal. Code of Regs. § 18747.)

⁸ (*Id.*)

⁹ (*Id.*)

¹⁰ (*Id.*)

¹¹ (Govt. Code § 82028.)

adjusted annual gift limitation amount in effect for the period January 1, 2009, to December 31, 2010, is \$420.¹²

Gifts are generally valued based on the fair market value of the item, or in the case of a unique item, the cost to the donor. In cases where the value is unknown, the official must make a reasonable approximation based on the value of similar items.

The Political Reform Act provides a number of exceptions to the gift limit and reporting requirements for certain types of gifts. The following are examples of gifts exempt from both the gift limit and disclosure requirements:

- Gifts that are returned unused, reimbursed, or donated to a 501(c)(3) charity within 30 days of receipt.
- Gifts from a family member (spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, aunt, uncle, cousin, niece, nephew, first cousin, or spouse of any of the listed persons).
- Gifts of home hospitality (food, drink, lodging) in an individual's home.
- Gifts of equivalent value exchanged on holidays, birthdays, etc.
- Informational material.
- Devise or inheritance.
- Reportable campaign contributions.
- Personalized plaques and trophies valued at \$250 or less.
- Tickets to campaign or 501(c)(3) charitable fundraisers (except for food, beverages and gifts received at the event).
- Passes or tickets that you do not use or give to another person.

The following are gifts that are reportable but not subject to the gift limit:

- Certain payments for transportation, lodging and subsistence. The rules regarding travel payments are complex and should be analyzed on a case-by-case basis.
- Wedding gifts.
- Prize or award received in a bona fide competition (i.e., a drawing or raffle) not related to your official status is not subject to the gift limit but must be reported as income if valued at \$500 or more. "Bona fide competition not related to official status" has been interpreted by the Fair

¹² (Govt. Code § 89503; 2 Cal. Code Regs. § 18940.2.)

Political Practices Commission to depend on the nature of the pool of contestants. If the competition is open to some persons who are not public officials, it will qualify for the exemption.

Finally, gifts can be a basis for disqualification. A public official who receives \$420 or more from a single source within twelve months preceding a decision may have a disqualifying conflict of interest under the Political Reform Act (note the difference between the time period for disqualification, and the gift limit, which is based on a calendar year).

7. Honoraria (Payments for Speeches, Articles and Attendance at Events)

State and local public officials are prohibited from accepting "honoraria". "Honoraria" are payments made to an official (other than from the official's own public employer) for making speeches, publishing articles, or attending public or private conferences, conventions, meetings, social events, meals or similar gatherings. Payments for writing books, plays or screenplays are not covered in the definition of "honoraria", and are permissible.

The prohibition covers both cash and in-kind payments. It does not cover transportation to and from an event in California, food and beverages at an event, and necessary lodging in connection with the event. There is also an "earned income" exception that allows officials to receive payment for services provided in connection with a bona fide business, trade or profession if that activity is independent of the official's public position. This includes professions such as teaching, practicing law, medicine, insurance, real estate, banking and others.

The prohibition on honoraria does not apply if an honorarium received is returned unused or donated to the general fund of the official's agency within 30 days of receipt. An official can also arrange to donate an honorarium to charity to avoid the prohibition. Donation of an honorarium must follow a particular process, in which the honorarium is donated directly to the charity by the source, the official does not claim the donation as a tax exemption, and the official is not identified to the charity in connection with the donation.

8. Misuse of Public Funds

The following are some of the key authorities relating to the subject of misuse of public funds:

- Penal Code § 424. It is a crime punishable by two to four years in prison for a city or district officer, or other person responsible for handling public moneys, to misappropriate public moneys for personal use, make a false accounting of public funds or otherwise use public funds for a purpose not

authorized by law. This law does not apply to "incidental and minimal use" of public resources.

- Gov't Code §8314. This statute makes it unlawful for any state or local elected official, appointee, employee or consultant to use public resources for campaign activity, personal use, or other uses not authorized by law. The penalty for this violation is a fine of up to \$1,000 per day plus three times the value of the public resources used.
- Case Law – Political Activity and Public Resources. A public agency may not use public funds to take a partisan position in an election campaign, including a ballot measure campaign. (*Stanson v. Mott*)¹³ A public agency may use public funds to provide neutral facts about a ballot measure to the public. A public official who authorizes an expenditure of public funds for a partisan campaign purpose may be personally liable to repay the funds, if the official fails to exercise due care in authorizing the expenditure. Additionally, if a paid public employee is allowed to use work time to illegally conduct campaign activity, the courts have ruled that the employee's services are a reportable contribution from the public agency to the campaign. (*Fair Political Practices Commission v. Suitt*)¹⁴

Although public agencies and officials cannot use public resources for promotional campaign activity, a public agency may use public resources for drafting a proposed initiative, and other actions for the purposes of qualifying a measure for the ballot. This drafting activity is permissible because it is not partisan activity intended to influence voters. Additionally, public officials and employees may endorse political candidates and measures, as long as no public money is spent for that purpose. A legislative body is permitted to make a formal endorsement of a ballot measure, as long as the endorsement takes place in a noticed hearing.

9. Gifts of Public Funds

The California Constitution prohibits cities from making "gifts of public funds."¹⁵ This prohibition does not apply to expenditures that have a public purpose, even if a private person incidentally benefits from the expenditure.¹⁶

An expenditure that benefits a private party is an unconstitutional gift of public funds if the agency receives no consideration for the expenditure, or if the expenditure does not fulfill a public purpose.¹⁷

¹³ ((1976) 17 Cal. 3d 206.)

¹⁴ ((1979) 90 Cal. App. 3d 125.)

¹⁵ (Cal. Const. Article XVI, section 6.)

¹⁶ (*Redevelopment Agency of San Pablo v. Shepard* (1977) 75 Cal. App. 3d 453, 457.)

¹⁷ (*Allen v. Hussey* (1950) 101 Cal. App. 2d 457, 473-74; *County of Alameda v. Janssen* (1940) 16 Cal. 2d 276, 281-82.)

The purpose of an expenditure of public funds must be a public purpose in the jurisdiction of the agency.¹⁸ The determination of whether there is a public purpose is within the discretion of a legislative body, and that determination will be upheld by the courts unless it is totally arbitrary.¹⁹

10. Mass Mailing Restrictions

The Political Reform Act prohibits the distribution of "mass mailings" featuring or referring to an elected official at public expense.²⁰ This prohibition is intended to prevent "campaign" or self-promotional activity by elected officials at public expense. The following criteria must be met for an item to be a prohibited mass mailing:

- The item is a tangible item, such as a written document or videotape (the "tangible item" requirement excludes electronic "mailings" from the prohibition).
- The item is delivered by any means (not just U.S. mail) to recipients at their residence, place of employment or business, or post office box
- The item either "features an elected official" affiliated with the City (this includes items that contain the official's photograph or signature) or includes the name, office, photograph or other reference to the elected official and is distributed with the official's consent.
- The cost of distribution is paid for with public funds, or more than \$50 in public funds is used to design or produce the items.
- More than 200 substantially similar items are distributed in a calendar month.

Excluded from this prohibition are items that are distributed to persons in locations other than homes, businesses or post office boxes (such as items distributed at a community meeting). Also excluded from this prohibition are items paid for entirely by private funds, or items distributed in an amount less than 200 in a calendar month. There is also an exception for an item in which the official's name appears only on the stationery letterhead, and which is not signed by the official, and for announcements of meetings or other agency sponsored events which contain a single mention of the elected official

Before a mass mailing such as a notice or newsletter is distributed by a public agency, the rules regarding mass mailings should be reviewed. Even letters and mailings that are for a valid public purpose can violate these rules if they refer to an elected official and meet the other criteria for a mass mailing at public expense. An official who violates the mass mailing rules can be subject to

¹⁸ (*Schettler v. County of Santa Clara* (1940) 16 Cal. 2d 276, 281-82.)

¹⁹ (*Mannheim v. Superior Court* (1970) 3 Cal. 3d 678, 690-91.)

²⁰ (Govt. Code § 89001; Regulation 18901.)

enforcement action, including payment of a fine and reimbursement to the agency for the cost of the mailing.

11. Prohibition on Free and Discounted Transportation

The California Constitution prohibits public officers from accepting passes or discounts from transportation companies.²¹ This prohibition arose in the early days of California, because of a perception of impropriety in the relationships between the legislators and railroads.

The ban applies to officers, both elected and non-elected, (including non-elected "policy makers") but not employees. It applies only to direct gifts of transportation passes or discounts from a transportation company, but not from other sources. The ban does not apply to gifts or discounts offered to members of the public, regardless of official status, such as bereavement discounts, or tickets received as part of a frequent flyer program.

Violation of this prohibition is punishable by removal from office.

12. Disclosure of Economic Interests

City council members, candidates for council, planning commissioners, the city manager, the city attorney, other officials who manage public investments, and employees designated (including consultants) by the city's own conflict of interest code must file conflict of interest disclosure statements, known officially as "Statement of Economic Interests" (Form 700).²² A Statement of Economic Interests must be filed upon assuming office, annually while holding office or a designated position, and upon leaving office or a designated position.

The statement must disclose the interests of the filer and of his or her immediate family, which includes the filer's spouse or domestic partner and dependent children.²³ Any person who resigns from office within 30 days of appointment need not file a statement of economic interests so long as that person did not make or participate in governmental decisions and did not receive any compensation.²⁴

The public official must disclose specified types of investments, interests in real property and businesses, income, gifts and loans. Moreover, these statements must include the acquisition and disposition dates of any investment in real property covered by the period of the statement.²⁵

²¹ (Cal. Const. XII, section 7.)

²² (Gov. Code, §§ 87200, 87302.)

²³ (Gov. Code, § 82029.)

²⁴ (2 Cal. Code Regs. § 18730.)

²⁵ (Gov. Code, §§ 87203, 87204.)

Failure to timely file a Form 700 may result in paying a fine of \$10 per day up to a maximum of \$100. Additionally, persons who fail to timely file their Form 700 may be referred to the Fair Political Practice Commission's ("FPPC") enforcement division (and in some cases to the Attorney General or district attorney) for investigation and possible prosecution for violations of the Act. In addition to the late filing penalties, a fine of up to \$5,000 per violation may be imposed.

13. Due Process Right to Unbiased Decision Makers

Constitutional due process principles require a decision-maker to be fair and impartial when the decision-making body is acting in a "quasi-judicial" capacity. Quasi-judicial matters include variances, use permits, annexation protests, personnel disciplinary actions and licenses. Due process considerations preclude participation by even a reasonably impartial non-involved decision maker who has demonstrated to have an unacceptable probability of actual bias such as through prejudgment.²⁶

As an example, a court overturned a planning commission's decision on due process grounds, concluding that a planning commissioner's authorship of an article hostile to a project before the commission gave rise to an unacceptable probability of bias against the project.²⁷

14. Incompatible Offices

Under the common law doctrine of incompatible public offices, which is applicable in California, a person may not hold two public offices where there is any significant clash of duties or loyalties between the offices, if the dual office holding would be improper for reasons of public policy, or if the duties of either office include the exercise of a supervisory, auditory, or removal power over the other.²⁸ The consequence of holding incompatible offices is that the person is deemed to have forfeited the first office upon accepting the second.²⁹

Incompatibility arises if the nature of the jobs' duties potentially places them in conflict, as where one is subordinate to the other.³⁰ Moreover, offices are incompatible if there is any significant clash of duties or loyalties between the

²⁶ (*Cohan v. City of Thousand Oaks* (1994) 30 Cal. App. 4th 547 (1994); *Stivers v. Pierce* (9th Cir. 1995) 71 F. 3d 732.)

²⁷ (*Nasha v. City of Los Angeles* (2004) 125 Cal. App. 4th 471.)

²⁸ (See 88 Op. Atty Gen. 130, 132 (2005), citing to *People ex rel. Chapman v. Rapsey* (1940) 16 Cal. 2d 636; 81 Ops. Cal. Atty. Gen. 344, 345 (1998).)

²⁹ (*Id.*)

³⁰ (*People v. County of Santa Clara* (1996) 49 Cal. App. 4th 1471.)

offices or if either office exercises a supervisory, auditory or removal power over the other.³¹

However, there can be specific legislative exceptions to incompatible office rules. (Health & Safety Code, § 6380, subd. (b) [relating to city officials serving on sanitary districts]; Gov. Code § 61231 [relating to irrigation district directors serving on community services district boards]; see also 85 Op. Atty. Gen. 239 (2002) [noting the legislature can create exceptions to the incompatibility doctrine].) Furthermore, if one of the positions is an "employment" as distinguished from an "office," the doctrine does not apply.³²

15. Disqualification from decisions involving family members

The Political Reform Act requires public officials to disqualify themselves from participating in decisions that will increase or decrease their immediate family's expenses, income, assets or liabilities.³³ "Immediate family" includes one's spouse, domestic partner, or dependent children.³⁴ The notion is that it is very difficult for any person to be fair and unbiased when one's family's interests are concerned; it of course is also difficult for the public to perceive the official to be fair and unbiased about close family members.

CONCLUSION

All of the ethics laws discussed in this memorandum are minimum standards. There are some situations where it may be appropriate for ethical reasons to do more than simply comply with the minimum standards. For instance, an official who is not legally required to abstain from participating in a decision may decide to voluntarily abstain, if the decision involves a personal relationship or interest. In this way, officials can meet and exceed the public's expectations for ethical conduct, as well as meeting the requirements of the law.

³¹ (*People ex rel. Deputy Sheriffs' Assn. v. County of Santa Clara* (1996) 49 Cal. App. 4th 1471, 1481; 82 Ops. Atty. Gen. 74, 75 (1999); 81 Ops. Atty. Gen. 304, 305 (1998).)

³² (81 Ops. Atty. Gen. 304, 305 (1998).)

³³ (See 2 Cal. Code Regs. § 18703.5.)

³⁴ (Cal. Govt. Code § 82029; 2 Cal. Code Regs. § 18229.)